

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Civil Action No. 1:21-cv-195

ROBERT E. STARR, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
WORTH TRUCKING, LLC, )  
and JEROME T. BRISCO, )  
 )  
Defendants. )

**NOTICE OF REMOVAL TO  
FEDERAL COURT**

Defendants Worth Trucking, LLC and Jerome T. Brisco (“Defendants”), by and through undersigned counsel, respectfully remove the above-entitled action from the Superior Court of Durham County, North Carolina, to the United States District Court for the Middle District of North Carolina, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446(b)(3). In support of this Notice of Removal, Defendants state as follows:

1. This action is being removed to federal court based on diversity of citizenship between the parties and an amount in controversy greater than \$75,000.00.

2. Plaintiff filed a Complaint on September 30, 2020 in the Superior Court of Durham County, North Carolina, styled “Robert E.

Starr v. Worth Trucking LLC & Jerome T. Brisco,” that was assigned Civil No. 20 CVS 1402 (“superior court action”).

3. Defendant Worth Trucking LLC was served with the Complaint on or about October 16, 2020, and Defendant Jerome Brisco, was served with the Complaint on or about October 22, 2020. Defendants served their Answer on December 15, 2020, which was filed in the Clerk’s Office on December 29, 2020. (See Affidavit of Service, Defendants’ Motion for Extension of Time to Serve a Responsive Pleading, and Defendants’ Answer to Complaint attached as part of Exhibit A.)

4. Defendants served a Request for Monetary Relief Sought on December 15, 2020. On February 18, 2021, plaintiff served a response to defendants’ Request for Monetary Relief Sought, stating “a specific dollar amount of relief sought cannot yet be determined. Nevertheless, pursuant to the rules, Plaintiff’s counsel responds the amount of monetary relief sought by Plaintiff is Two Hundred Twenty-Five Thousand Dollars (\$225,000.00) or whatever a jury finds to be fair and reasonable compensation for his injuries.” (See Exhibit B). Therefore, defendants may remove this action to federal court pursuant to 28 U.S.C. 1446(b)(3), as the amount in controversy exceeds \$75,000.

5. Plaintiff’s claims for relief against Defendants in the

Superior Court action are for negligence, vicarious liability, and independent liability. Plaintiff alleges that, due to the negligence which resulted in the accident involving the Freightliner truck driven by Defendant Brisco and allegedly owned by Defendant Worth Trucking LLC, Plaintiff has sustained severe and permanent personal injuries. (Complaint ¶¶ 28, 40).

6. The United States District Court for the Middle District of North Carolina has original jurisdiction over the Superior Court action pursuant to 28 U.S.C. § 1332(a) and it may be removed by Defendants pursuant to 28 U.S.C. § 1441(a) and (b), and 1446(b)(3) for the following reasons:

- (a) At the commencement of this action and at the time of this removal, Defendant Worth Trucking LLC was not a North Carolina corporation, and Defendant Brisco was not a North Carolina citizen or resident.
- (b) The matter in controversy between Plaintiff and the Defendants was, at the commencement of this action and at all relevant times including the date of removal, one in which complete diversity of citizenship exists. Plaintiff is a citizen of the State of North Carolina and none of the Defendants are citizens of the State of North Carolina.
- (c) Plaintiff's Complaint acknowledges that complete diversity of citizenship exists between the plaintiff and the Defendants. The allegations show that: (1) plaintiff is a North Carolina citizen and resident; (2) defendant Brisco is identified as a Virginia citizen or resident; and (3) defendant Worth Trucking LLC is

identified as a Virginia corporation.

- (d) Plaintiff is a citizen and resident of the State of North Carolina.
- (e) Defendant Jerome Brisco is a citizen and resident of Virginia.
- (f) Defendant Worth Trucking LLC is a corporation organized and existing under the laws of Virginia, with a principal office and registered office located in Chesapeake, Virginia. Its registered agent is Mary Allgood, who is a citizen and resident of the State of Virginia; they are not citizens or residents of North Carolina.
- (g) The amount in controversy between Plaintiff and Defendants in this action, exclusive of interest and costs, exceeds \$75,000.00, on information and belief. See Plaintiff's Response to Request for Monetary Relief Sought served February 18, 2021, Exhibit B attached to this notice. Plaintiff seeks \$225,000.00.
- (h) Therefore, Defendants file this notice of removal of this action from the Superior Court, Durham County, to the United States District Court for the Middle District of North Carolina.

7. Attached to this notice as Exhibit A are the pleadings filed in this action, including a copy of the Summons, Complaint, Affidavit of Service, Defendants' Motion and Order for Extension of Time to Serve a Responsive Pleading, Motion and Order for Extension of Time to Serve Discovery Responses, and Answer filed in the Superior Court action.

8. A copy of this Notice of Removal is being served on the Clerk of Superior Court of Durham County, North Carolina

contemporaneously with the filing of this Notice of Removal, as shown by the notice attached as Exhibit C.

WHEREFORE, Defendants respectfully request that this action be removed from the Superior Court of Durham County, North Carolina, to the United States District Court for the Middle District of North Carolina.

This the 9th day of March, 2021.

CRANFILL SUMNER LLP

BY: /s/ James C. Thornton  
JAMES C. THORNTON  
N.C. State Bar No. 16859  
E-mail: [jthornton@cshlaw.com](mailto:jthornton@cshlaw.com)  
Post Office Box 27808  
Raleigh, North Carolina 27611-7808  
Telephone (919) 828-5100  
*Attorneys for Defendants Worth Trucking,  
LLC and Jerome Brisco*

## CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2021, I electronically filed the foregoing *Notice of Removal* with the Clerk of Court using the CM/ECF system, and will deposit the foregoing documents in the US Mail, and also serve electronically as set out below to the following counsel of record:

J. Bryan Boyd  
Law Offices of James Scott Farrin  
280 S. Mangum Street  
Suite 400  
Durham, NC 27701  
E-mail: bboyd@farrin.com  
*Attorneys for Plaintiff*

Respectfully submitted by:

CRANFILL SUMNER LLP

BY: /s/ James C. Thornton  
JAMES C. THORNTON  
N.C. State Bar No. 16859  
E-mail: jthornton@cshlaw.com  
Post Office Box 27808  
Raleigh, North Carolina 27611  
Telephone (919) 828-5100  
*Attorneys for Defendants Worth Trucking  
LLC and Jerome Brisco*